IN THE HIGH COURT OF BOMBAY AT GOA

STAMP NUMBER MAIN NO. 2707 OF 2005

SHRI EKNATH SONU KANDOLKAR, MAPUSA, BARDEZ-GOA. ....Appellant

Versus

GOA COASTAL ZONE MANAGEMENT AUTHORITY(GCZMA) THROUGH ITS MEMBER SECRETARY, SHRI N.P.S. WARDE, ...Respondent

Mr. D. J. Pangam, Advocate for the appellant.

Ms. Rakhi Chodankar, Additional Government Advocate for the respondent.

Coram:- D.D.SINHA, J.

Date:- 9th November, 2005

P.C.

Heard Mr. D. Pangam, the learned Advocate for the appellant and Miss Rakhi Chodankar, the learned Additional Government Advocate for the respondent. The learned Counsel for the appellant states that the appellant intially has challenged the notice of demolition issued by the Authority by filing the Special Civil Suit No.6/2005/B before the Civil Judge, Senior Division, at Mapusa, challenging the validity of the said notice of demolition. It is contended that during the pendency of the suit, the parties were directed to maintain status quo. The Civil Court, on 16/09/2005, dismissed the suit as not maintainable and, therefore, the appellant has filed the present first appeal against the decision of the Civil Court. The Counsel for the appellant further submitted that the appellant is seeking permission to withdraw the present first appeal with liberty to file a writ petition against the notice of demolition dated 10.12.2004 issued by the sole respondent and prayed that since the order of status quo was in operation till the suit was dismissed as not maintainable by

the Civil Court, the respondent may be directed to maintain status quo for a period of 15 days.

The learned Additional Government Advocate states that no steps would be taken pursuant to the demolition notice dated 10.12.2004 for a period of two weeks. In the backdrop of the above referred fact, the first appeal is dismissed as withdrawn with liberty as prayed. Since the Additional Government Advocate made the above referred statement, no further interim order is necessary at this stage.

D.D.SINHA, J.

ssm.